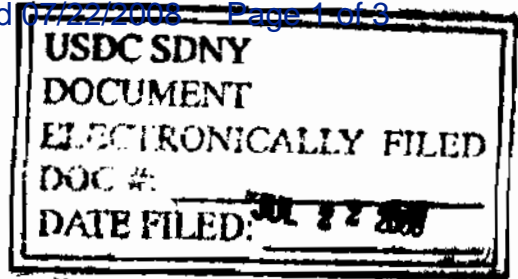


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



MIKE C. HAWLEY,

Plaintiff, **STIPULATION AND  
ORDER OF SETTLEMENT  
AND DISCONTINUANCE**

-against-

07 Civ. 09257 (GBD)

C.O. PHILLIP of O.B.C.C./ C.P.S.U. # 3778, C.O. CAPTAIN  
SULLIVAN of O.B.C.C/ C.P.S.U. #302, C.O. GATON of  
O.B.C.C./ C.P.S.U. #15843

Defendants.

**WHEREAS**, plaintiff Mike C. Hawley commenced this action by filing a complaint on or about October 16, 2007, alleging that defendants violated his constitutional rights; and

**WHEREAS**, defendants have denied any and all liability arising out of plaintiff's allegations; and

**WHEREAS**, the parties now desire to resolve the issues raised in this litigation, without further proceedings and without admitting any fault or liability;

**NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED**, by and between the undersigned, as follows:

1. The above-referenced action is hereby dismissed, with prejudice, and without costs, expenses, or fees in excess of the amount specified in paragraph "2" below.

2. The City of New York hereby agrees to pay plaintiff Mike C. Hawley the sum of **One Thousand Dollars (\$1,000.00)** in full satisfaction of all claims, including claims for costs, fees and expenses. In consideration for the payment of this sum, plaintiff Mike C. Hawley agrees to dismissal with prejudice of all claims against defendants, and to

release all defendants, and any present or former employees or agents of the City of New York, and the New York City Department of Correction, from any and all liability, claims, or rights of action under state or federal law arising from and contained in the complaint in this action, including claims for costs, expenses or attorneys fees.

3. Plaintiff Mike C. Hawley shall execute and deliver to defendants' attorney all documents necessary to effect this settlement, including, without limitation, a release based on the terms of paragraph "2" above, and an Affidavit of No Liens.

4. Nothing contained herein shall be deemed to be an admission by defendants that they have in any manner or way violated plaintiff's rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

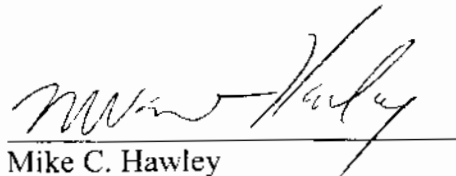
5. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York, or the New York City Department of Correction.

6. This Stipulation and Order, comprising three typewritten pages, contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto or to vary the terms and conditions contained herein.

Dated: New York, New York  
July 17, 2008

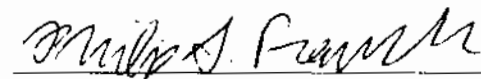
Mike C. Hawley  
Plaintiff *Pro Se*  
378 Throop Avenue  
Brooklyn, NY 11221  
(718) 782-1191

By:

  
Mike C. Hawley

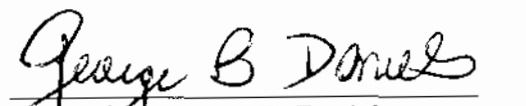
MICHAEL A. CARDOZO  
Corporation Counsel  
of the City of New York  
Attorney for Defendants Caryl Phillip, Brian  
Sullivan and Gerard Gaton  
100 Church Street, Room 3-183  
New York, N.Y. 10007  
(212) 788-0893

By:

  
Philip S. Frank (PF-1690)  
Assistant Corporation Counsel  
Special Federal Litigation Division

SO ORDERED:

**JUL 22 2008**

  
Honorable George B. Daniels  
United States District Judge, S.D.N.Y.  
**HON. GEORGE B. DANIELS**